

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/00830/FULL1

Ward:
Chislehurst

Address : Huntingfield The Drive Chislehurst
BR7 6QS

OS Grid Ref: E: 545582 N: 168981

Applicant : Mr Nicholas Carey

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of two 5 bedroom detached dwellings with associated access, parking and landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Sites of Interest for Nat. Conservation
Smoke Control SCA 17

Proposal

It is proposed to demolish the existing dwelling on the site and construct 2 detached two storey 5 bedroom dwellings with associated access, parking and landscaping.

Location

The site is located on the northern side of The Drive, and is currently occupied by 'Huntingfield' which is a large detached dwelling set within a spacious plot.

The surrounding locality is residential in nature, characterised by individually designed detached dwellings in a range of architectural styles, resulting in a varied streetscene. The drive has a semi-rural character, with large protected trees lining the highway edge.

Consultations

Nearby owners/occupiers were notified of the application and representations were received, including from The Chislehurst Society, which can be summarised as follows:

- increased parking and traffic problems in The Drive
- proposals are similar to the previous refused scheme
- overdominant and cramped development
- dwelling on Plot 2 would overlook dwelling under construction at Lyridon
- The Drive is already overdeveloped

- noise and disturbance to neighbouring properties
- overdevelopment of the site
- further deterioration of road surface in The Drive.

Comments from Consultees

From a highways point of view, the parking and access arrangements are the same as the scheme that was allowed on appeal. Each property would have an integral garage and there is other parking available on the frontages. Turning on Plot 2 is tight but not impossible. No objections are therefore raised by the Council's Highway Engineer subject to safeguarding conditions including repair to damaged roads and a construction management plan.

No objections are raised to the proposals from an Environmental Health or drainage point of view, and Thames Water have no concerns.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
NE7 Development and Trees
H7 Housing Density and Design
T3 Parking
T11 New Accesses
T18 Road Safety

Planning History

Permission was granted in December 2012 (ref. 12/02908) for the development of the side garden of Huntingfield with a detached two storey 4 bedroom dwelling with accommodation in the roof, and construction of this property is nearing completion.

Permission was refused in May 2013 (ref.13/00906) for the demolition of the dwelling at Huntingfield and the erection of 2 detached two storey 5 bedroom dwellings with accommodation in the roof and associated access, on the following grounds:

'The proposal constitutes an unacceptable sub-division of the existing plot that is out of character with the surrounding area, resulting in a cramped over-development of the site and a retrograde lowering of the spatial standards to which the area is at present developed, and if permitted would set an undesirable precedent for similar sub-divisions in the locality, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.'

The proposals were subsequently allowed on appeal in December 2013 wherein the Inspector considered that "compared against the other plots within The Drive, Huntingfield is set within a spacious plot and I consider it is of a sufficient size, and shape, to accommodate the proposed development. The proposed dwellings would sit in plots of a size and shape similar to those of existing dwellings on The Drive,

including those under construction. Space between the proposed dwellings and their boundaries would reflect that of existing dwellings on The Drive and would be sufficient to prevent the proposed dwellings from appearing cramped within their plots." She therefore concluded that the proposed development would not materially harm the character and appearance of the surrounding area.

Permission was later refused in June 2014 (ref.14/00518) for a similar scheme for 2 detached houses but which differed in that they projected approximately 1.5m further forward, thus increasing the overall depth of the dwellings. It was refused on the following grounds:

"The proposed dwellings would by reason of their size and siting, constitute an overdevelopment of the site, out of character with the locality and contrary to Policies H7 and BE1 of the Unitary Development Plan."

The subsequent appeal was dismissed in June 2014 wherein the Inspector considered that although the increased depth of the dwelling on Plot 1 would have little impact relative to that of the permitted scheme, the dwelling on Plot 2 would be positioned very close to the boundary with the new dwelling under construction (1.8m at its nearest point), and that this would indicate an unacceptably cramped form of development. Overall, he therefore considered that the revised scheme would amount to an overdevelopment of the site which would be harmful to the character and appearance of the surrounding area.

Conclusions

The main issues in this case are the effect that the revised scheme would have on the character and appearance of the surrounding area and the impact that it would have on the amenities of the occupants of surrounding residential properties and on highway safety issues.

The current proposals differ from the scheme recently dismissed on appeal in that the south-western corner of the dwelling on Plot 2 would be set back 1.5m to match that of the approved dwelling on this plot, and would therefore reduce the overall footprint of this dwelling, along with the depth of its western flank elevation. The revised scheme is therefore considered to satisfactorily overcome the Inspector's concerns with regard to the awkward relationship with the adjacent boundary, and the cramped nature of the development. Although the footprints of the two new dwellings would still be slightly larger than the permitted dwellings, this is not considered to result in an overdevelopment of the site, nor be harmful to the character and appearance of the surrounding area.

As with the previous schemes, the proposals are not considered to cause harm to residential amenity, and the impact on highway safety would not differ to that which was previously considered acceptable. Although the Council's Highway Engineer has suggested a condition requiring the repair of any damage caused to the carriageway of The Drive during the construction phase, in permitting the previous scheme, the Inspector considered that this would not be reasonable to impose, and that it would be difficult to detect damage solely caused by construction vehicles, thus making such a condition difficult to enforce.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION: Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 5 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, height and type of boundary treatment to**

be erected. The approved boundary treatment shall be implemented before the dwellings are occupied and retained as such thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

6 Before the occupation of the dwellings hereby permitted the first floor windows on the side elevations shall be fitted with obscured glass and shall be permanently retained in that condition.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

7 No dwelling shall be occupied until space has been laid out within the site, in accordance with the approved drawings, for vehicle circulation and parking. This space shall thereafter be kept available for such use at all times.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

8 Development shall not begin until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings are occupied and retained as such thereafter.

Reason: To ensure satisfactory means of surface water drainage for the site.

9 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure satisfactory means of foul water drainage for the site.

10 In this condition "retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars, including the Quafe Woodlands report (Ref:AR/2920/ci), and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the dwellings hereby permitted.

i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or

lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, including demolition and site clearance, and shall be maintained until development is complete and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

iv) No bonfires shall take place within 6m of the furthest extent of the spread of the canopy of any retained tree.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

11 No development shall take place until details of the construction of the drive and vehicle parking and circulation space have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

12 No development shall take place, including demolition or site clearance, until wheel washing facilities have been provided on site. The facilities shall be retained as such until the development is complete. Any vehicle leaving the site shall first use the wheel washing facilities and any accidental accumulation of mud on The Drive, caused by vehicles associated with the development, shall be cleared by the end of the working day at the latest.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the adopted Unitary Development Plan.